

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF COLLEGE STATION  
SEPTEMBER 11, 2014

STATE OF TEXAS           §  
                                     §  
COUNTY OF BRAZOS     §

**Present:**

Nancy Berry, Mayor

**Council:**

Blanche Brick  
Steve Aldrich  
Karl Mooney  
John Nichols  
Julie Schultz  
James Benham

**City Staff:**

Kelly Templin, City Manager  
Carla Robinson, City Attorney  
Chuck Gilman, Deputy City Manager  
Tanya McNutt, Deputy City Secretary  
Ian Whittenton, Records Management Coordinator

**Call to Order and Announce a Quorum is Present**

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Berry at 7:02 p.m. on Thursday, September 11, 2014 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

**1. Pledge of Allegiance, Invocation, consider absence request.**

Boy Scout Troop 967 led the assembly in the Pledge of Allegiance.

Mayor Berry presented a joint proclamation from Brazos County, City of Bryan, and City of College Station to Larry Koeninger, Director of the Bryan-College Station Public Library System, in recognition of September being library card sign-up month.

**Citizen Comments**

Ben Roper, 5449 Prairie Dawn Court, came before Council to honor the service and sacrifice of Lt. Jonathan David Rozier.

Johnny W. Rouse, 16571 Windy Ryon Rd., came before council to speak on his concerns over the policies and procedures of the Aggieland Humane Society. He believes that that they may be euthanizing owner-surrender pets without providing the opportunity for adoption and would like council to look into this policy.

Philomina Rouse, 16571 Windy Ryon Rd., came before council to request that the policies of Aggieland Humane Society be examined as she believes that they are euthanizing animals without offering them for adoption.

## **CONSENT AGENDA**

### **2a. Presentation, possible action, and discussion of minutes for:**

- **March 13, 2014 Regular Council Meeting (Amended)**
- **August 25, 2014 Workshop**
- **August 25, 2014 Regular Council Meeting**
- **September 3, 2014 Special Meeting**

### **2b. Presentation, possible action, and discussion on Resolution 09-11-14-2b and amendment to the Economic Development Agreement between the City of College Station and Kalon Biotherapeutics.**

### **2c. Presentation, possible action, and discussion on Ordinance 2014-3597 updating water tap fees to reflect current costs by amending Chapter 11, "Utilities" Section 2 "Water And Sewer Services", D "Water and Sewer Rates, Usage Charges and Fees", 4 "Water and Sewer Tap Fees, Meter Set-In Fees, and Sewer Inspection Fees", A (1) "Fee for Water Tap" of the Code of Ordinances.**

### **2d. Presentation, possible action, and discussion on Ordinance 2014-3598 amending Chapter 10, "Traffic Code", Section 2 "Traffic Control Devices", C "Four-Way Stop Intersections", Traffic Schedule II - "Four-Way Stop Intersections", of the Code of Ordinances of the City of College Station, Texas, by implementing an all-way stop control intersection at the intersection of Cross Street and Dogwood Street.**

### **2e. Presentation, possible action and discussion regarding a real estate contract for the purchase of right-of-way along Rock Prairie Road between State Highway 6 and Normand Drive.**

### **2f. Presentation, possible action and discussion regarding the service contract (Contract No. 14-372) with Cal's Body Shop for annual automobile and truck paint and body repairs in an amount not to exceed \$60,000.**

### **2g. Presentation, possible action, and discussion regarding the approval of Election Judges for the November 4, 2014 General Election. *Presentación, posible acción y diálogo con respecto a la aprobación de Jueces para las Elecciones Generales del 4 de noviembre de, 2014.***

### **2h. Presentation, possible action, and discussion on renewal of an Enterprise Agreement (EA) for Microsoft software with SHI Government Solutions for a three year period totaling \$93,818.70.**

**2i. Presentation, possible action and discussion on a bid award for the annual purchase of single phase transformers, which will be maintained in electrical inventory to be issued and expended as needed. The award is being recommended to Techline as the lowest responsible bidder for a not to exceed amount of \$240,433.**

**MOTION:** Upon a motion made by Councilmember Mooney and a second by Councilmember Shultz the City Council voted seven (7) for and none (0) opposed, to approve the Consent Agenda. The motion carried unanimously.

## **REGULAR AGENDA**

**1. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2014-3599, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from R Rural to E Estate for approximately 71 acres being all of the remainder of a 39.44-acre tract as described as Tract One and the remainder of a 29.29-acre tract as described as Tract Two by a deed of Joe & Janet Johnson Land & Investments, LP recorded in volume 7803, page 244, a 2.84-acre tract as described by a deed to Joe & Janet Johnson Land & Investments, LP recorded in volume 8017, page 273, and a 0.216-acre tract as described by a deed to Joe & Janet Johnson Land & Investments, LP recorded in volume 8317, page 62 of the Official Public Records of Brazos County, Texas, generally located at 8601 Rock Prairie Road.**

Councilmember Shultz recused herself from this item.

Jason Schubert, Planning and Development Services, stated that this request is to rezone the property from Rural to Estate.

The Planning and Zoning Commission considered this item at their August 21 meeting and voted unanimously to recommend approval. Staff also recommends approval.

At approximately 7:24 p.m., Mayor Berry opened the Public Hearing.

Joe Schultz, 3208 Innsbruck Cir, spoke briefly in favor of this rezoning.

There being no further comments, the Public Hearing was closed at 7:25 p.m.

**MOTION:** Upon a motion made by Councilmember Nichols and a second by Councilmember Aldrich, the City Council voted six (6) for and none (0) opposed, with Councilmember Schultz recusing herself, to adopt Ordinance 2014-3599, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from R Rural to E Estate for approximately 71 acres being all of the remainder of a 39.44-acre tract as described as Tract One and the remainder of a 29.29-acre tract as described as Tract Two by a deed of Joe & Janet Johnson Land & Investments, LP recorded in volume 7803, page 244, a 2.84-acre tract as described by a deed to Joe & Janet Johnson Land & Investments, LP recorded in volume 8017, page 273, and a 0.216-acre tract as described by a deed to Joe & Janet Johnson Land & Investments, LP recorded

in volume 8317, page 62 of the Official Public Records of Brazos County, Texas, generally located at 8601 Rock Prairie Road. The motion carried unanimously.

**2. Public Hearing, presentation, possible action, and discussion on the City of College Station FY2014-2015 Proposed Budget.**

Jeff Kersten, Assistant City Manager, stated that the City Charter requires that the City Council call and hold a public hearing on the proposed budget. Council first received the proposed budget on August 14, 2014, and three budget workshops were held to review the proposed budget. The FY2014-2015 Budget will be considered for adoption on September 22, 2014. The total proposed budget is \$253,041,517.

At approximately 7:26 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:26 p.m.

No action was taken.

**3. Public Hearing, presentation, possible action and discussion on the City of College Station 2014 advertised ad valorem tax rate of \$0.4525 per \$100 valuation resulting in an increase in tax revenues. Also discussion and possible action on announcing the meeting date, time and place to adopt the tax rate.**

Jeff Kersten, Assistant City Manager, noted that the Texas Property Tax Code requires that if an entity wishes to increase tax revenues over the effective tax rate then that entity must call and hold two public hearings on the proposed tax rate. The tax rate for which Council will hold a Public Hearing is \$0.452500 per \$100 assessed valuation. The first public hearing on the tax rate was held on Wednesday September 3. The City Council will vote on the tax rate on Thursday, September 22.

At approximately 7:31 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:31 p.m.

Mayor Berry announced that council will take a vote on the tax rate on September 22, 2014 in Council Chambers at 7:00 p.m.

No action was taken.

**4. Public Hearing, presentation, possible action, and discussion regarding the award of Bid No. 14-071 to Halcon Energy Properties, Inc. for the lease of oil, gas, and related hydrocarbon mineral interests.**

Chris Jarmon, Assistant to the City Manager, stated that the City of College Station owns mineral interests on approximately 26 tracts of land, generally located in the vicinity of Wellborn Road and 2818. The City put these mineral interests out to bid. Halcon Energy Properties, Inc. was the only bidder to respond and submit a bid.

Staff recommends awarding the bid submitted by Halcon Energy Properties, Inc. and entering into the mineral lease for oil, gas, and related hydrocarbons with Halcon Energy Properties, Inc.

At approximately 7:41 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:41 p.m.

**MOTION:** Upon a motion made by Councilmember Mooney and a second by Councilmember Aldrich, the City Council voted seven (7) for and none (0) opposed, to award of Bid No. 14-071 to Halcon Energy Properties, Inc. for the lease of oil, gas, and related hydrocarbon mineral interests. The motion carried unanimously.

**5. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2014-3600 amending Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station, Texas, by amending section 9, "Tobacco products and smoking"; to prohibit the sale of electronic cigarettes to, possession of and use of by minors; providing a severability clause; declaring a penalty; and providing an effective date.**

Chris Jarmon, Assistant to the City Manager, noted that the ordinance brought before Council on August 25 would have placed prohibitions on minors' access to e-cigarettes, as well as placed restrictions on where the products may be used in public. After careful consideration, staff has decided to bring forward an ordinance that only places restrictions on minors' access to e-cigarettes. This will give staff additional time to research provisions related to public use restrictions on e-cigarettes, while also satisfying Council's request to bring the item back.

Staff recommends that e-cigarettes be regulated under Chapter 7 (Health and Sanitation) of the Code of Ordinances, and specifically, recommends two (2) limitations on the use of e-cigarettes:

1. E-cigarettes cannot be sold to minors; and
2. Minors cannot be in possession or use e-cigarettes.

At approximately 7:50 p.m., Mayor Berry opened the Public Hearing.

Sherry Ellison, 2705 Brookway Dr, came before Council to speak about her concerns for the potential health effects of e-cigarettes. She also voiced her support for this item and additional regulation.

Loree Hylton, 669 Stonewall Jackson Drive, Conroe TX, came before council to speak as the owner of Aggieland Vapors, a local business that sells e-cigarettes and related paraphernalia. She stated that she believes e-cigarettes are a healthier option to traditional cigarettes, and her business does not market the product to children.

There being no further comments, the Public Hearing was closed at 7:57 p.m.

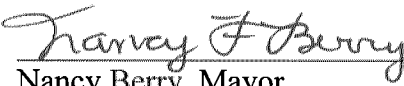
A motion was made by Councilmember Mooney and seconded by Councilmember Aldrich, to adopt Ordinance 2014-3600, amending Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station, Texas, by amending section 9, "Tobacco products and smoking"; to prohibit the sale of electronic cigarettes to, possession of and use of by minors; providing a severability clause; declaring a penalty; and providing an effective date.

**MOTION:** Upon a motion by Councilmember Brick and a second by Councilmember Shultz, the City Council voted three (3) for and four (4) opposed, with Councilmembers Aldrich, Mooney, Nichols, and Benham voting against, to amend the previous motion, to add back the provision prohibiting e-cigarettes where traditional cigarettes are prohibited. The motion to amend failed.

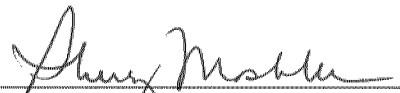
**MOTION:** Upon a motion by Councilmember Mooney and a second by Councilmember Aldrich, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2014-3600, amending Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station, Texas, by amending section 9, "Tobacco products and smoking"; to prohibit the sale of electronic cigarettes to, possession of and use of by minors; providing a severability clause; declaring a penalty; and providing an effective date. The motion carried unanimously.

**6. Adjournment.**

**MOTION:** There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:13 p.m. on Thursday, September 11, 2014.

  
Nancy Berry, Mayor

ATTEST:

  
Sherry Mashburn, City Secretary



CITY OF COLLEGE STATION  
Home of Texas A&M University®

College Station City Council Regular Agenda

Sign In Sheet

Thursday, September 11, 2014 at 7:00 p.m.

City Hall Council Chamber

Council Members

Blanche Brick

Steve Aldrich

John Nichols

Julie Schultz

James M. Benham

Mayor

Nancy Berry

Mayor Pro Tem

Karl Mooney

Manager

Kelly Templin

	Name	Address	Email or Phone No.
1.	<i>[Signature]</i>	3943 Blue Jay	
2.	JOE GUERRA	2079 RAVENSTOCK LOOP	JOE@VERIZON.COM
3.			
4.			
5.			
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\*\*\*Note this not a Hear Visitors form\*\*\* To speak on a particular item please file out the Citizen  
Speakers Form next to sign in sheet.



CITY OF COLLEGE STATION  
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College Station City Council Workshop Agenda

Sign In Sheet

Thursday, September 11, 2014 at 4:30 p.m.

City Hall Council Chamber

Mayor

Nancy Berry

Mayor Pro Tem

Karl Mooney

Manager

Kelly Templin

Council Members

Blanche Brick

Steve Aldrich

John Nichols

Julie Schultz

James M. Benham

	Name	Address	Email or Phone No.
1.	LINDA HARVELL	504 GUERNSEY	for+1@aol.com
2.	Sherry Ellison	2705 Brockway Dr.	elison@txrbc.com
3.	Laurel Hargis	902 Crested Fort Dr.	LHargis@hotmail.com
4.	JOE GUERRE	2079 RAVENSTONE LOOP 77308	JOEGUERREJR@SECSTATE.TX
5.	Roxee Hylton	6669 Stonewall Jackson Corral, TX	richardwhylton@aol.com
6.	Miner Marchbanks	4402 Spring Branch,	
7.	Andrew Osterhouse	1703 Broadview Dr. Ste 200	aoosterhouse@wacaps.com
8.	Ryan Warden		
9.	Lawrence	2301 Broadview Dr. <sup>Baytown</sup> 77080	
10.	Dylan Wren	1508 Southern Plantation dr	DylanWren@gmail.com
11.	Hunter Wren	4207 Norwich Dr	<del>Hunter</del> Hunter292@gmail.ca
12.			
13.			
14.			
15.			

\*\*\*Note this not a Hear Visitors form\*\*\* To speak on a particular item please file out the Citizen  
Speakers Form next to sign in sheet.



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Home of Texas A&M University\*

## CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: \_\_\_\_\_

9/11/14  
MM/DD/YY

**\*\* Please PRINT all information \*\***

Name: JOHNNY W. ROUSE Phone: 979-680-2874  
Address: 16571 WINDY RYAN Rd., College Station, TX 77845  
Email: phil@philspetsitting.com Comments: ☒ WRITTEN ☒ ORAL  
Comments are presented for: ☒ HEAR VISITORS ☐ AGENDA ITEM # \_\_\_\_\_

### FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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☐ COMMENTS CONTINUED ON ATTACHED DOCUMENT OF \_\_\_\_\_ PAGE(S)

### FOR ORAL COMMENTS:

1. YOU MUST SIGN UP PRIOR TO THE SCHEDULED MEETING  
(At the City Secretary's Office during regular business hours, or from 5:00 p.m. to 6:45 p.m. the day of the meeting.);
2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. YOU MUST OBSERVE THE 3-MINUTE TIME LIMIT. (Time cannot be transferred to another speaker.)

Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration. **See reverse side for additional rules.**

### MAIL, FAX OR EMAIL COMPLETED FORM TO:

City of College Station  
City Secretary's Office – City Hall  
1101 Texas Avenue, College Station, Texas 77840  
Fax: 979-764-6377  
Email: [smashburn@cstx.gov](mailto:smashburn@cstx.gov)

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1



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## CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: \_\_\_\_\_

09/11/14  
MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: Philomina Rouse Phone: 690-7874  
Address: 16571 Windy Ryon Road  
Email: phil@txcyber.com Comments: ☐ WRITTEN ☒ ORAL  
Comments are presented for: ☒ HEAR VISITORS ☐ AGENDA ITEM # \_\_\_\_\_

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## CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: 09 / 11 / 14  
MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: Ben Roper Phone: 979-777-0382  
Address: 5449 Prairie Dawn CT, College Station, Tx 77845  
Email: broper0001@hotmail.com Comments: ☐ WRITTEN ☒ ORAL  
Comments are presented for: ☒ HEAR VISITORS ☐ AGENDA ITEM # \_\_\_\_\_

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## PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 9/11/12  
MM/DD/YY

**\*\* Please PRINT all information \*\***

Name: Sherry Elison Phone: 979-696-6793  
Address: 2705 Brookway Dr.  
Email: ellison@txayber.com Comments: ☐ WRITTEN ☒ ORAL  
Comments will be presented for PUBLIC HEARING AGENDA ITEM # 5

### FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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☐ COMMENTS CONTINUED ON ATTACHED DOCUMENT OF \_\_\_\_\_ PAGE(S)

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## PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 9/11/14  
MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: Loee Hilton Phone: \_\_\_\_\_

Address: 669 Stonewall Jackson Drive

Email: \_\_\_\_\_ Comments: ☐ WRITTEN ☒ ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 5

### FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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TO: Fellow Animal Lovers

FROM: Philomina & Johnny Rouse

RE: Remembering Rally Campaign

We want you to know that should an owner need to surrender a pet to either the Bryan Animal Center on Finfeather Road or the Aggieland Humane Society on Leonard Road, it **MAY** be euthanized without being put up for adoption first.

I have attached the following:

1. A photo of Rally
2. The letter we sent to The Eagle, and the edited version that was published on Saturday, August 16, 2014
3. Suggestions and ideas on rehoming a pet
4. A list of no-kill rescue groups

Please share this information with everyone you know. If you have any questions, or need more information, please contact us. Thank you.

His name was Rally. He should not be forgotten.

Philomina & Johnny Rouse  
Phil's Pet Sitting Service  
[phil@philspetsitting.com](mailto:phil@philspetsitting.com)  
979-690-7874



## **His Name Was Rally**

He was a young, Black Lab, full of life. He was housed in a kennel in the back yard. His owner, a young mother with a baby on the way, realized he needed a better life than she could give him. She asked us to find another home for him. We contacted some friends, an older couple with two Labs, and they agreed to adopt him.

### **His Name Was Rally**

After a few months, it became clear Rally was too energetic for our friends. He needed a young boy who would run and play with him in the backyard. Again, we tried to find another home for him. Unfortunately, we were unsuccessful. Our friends took him to the Shelter on Leonard Road, believing he would be put up for adoption. After all, there were no health or behavior issues that would prevent him from being adopted.

### **His Name Was Rally**

"You need to make a reservation," our friend was told. "There's a four-month wait for a space". Reluctantly, he signed papers to surrender Rally to the Shelter, hoping the staff would see what a sweet dog he was, and he would be put up for adoption. We believe he was euthanized.

### **His Name Was Rally**

Needing to surrender a pet doesn't make an owner irresponsible. Oftentimes, circumstances beyond our control (e.g., poor health, a move, terminal illness, economic/financial issues) make it necessary for an owner to find another home for their beloved pet. Should you or someone you know face this difficult decision, spread the word on social media, tell everyone and anyone you know, contact rescue groups.

### **His Name Was Rally**

Philomina & Johnny Rouse  
Wellborn  
(979) 224-5683; (979) 324-4313; (979) 690-7874

## Look hard for a new owner if you can't keep your pet

**R**ally was a young, black lab, full of life. He was housed in a kennel in the back yard. His owner, a young mother with a baby on the way, realized he needed a better life than she could give him. She asked us to find another home for him. We contacted some friends, an older couple with two labs, and they agreed to adopt him.

After a few months, it became clear Rally was too energetic for our friends. He needed a young boy who would run and play with him in the backyard. Again, we tried to find another home for him. Unfortunately, we were unsuccessful. Our friends took him to the AggieLand Humane Society shelter on Leonard Road, believing he would be put up for adoption. After all, there were no health or behavior issues that would prevent him from being adopted.

"You need to make a reservation," our friend was told. "There's a four-month wait for a space." Reluctantly, he signed papers to surrender Rally to the shelter, hoping the staff would see what a sweet dog he was, and he would be put up for adoption. We believe he was euthanized.

Needing to surrender a pet doesn't make an owner irresponsible. Often, circumstances beyond our control make it necessary for an owner to find another home for his or her beloved pet. Should you or someone you know face this difficult decision, spread the word on social media, tell everyone and anyone you know, contact rescue groups.

**PHILOMINA and JOHNNY ROUSE**  
Wellborn

*The Eagle*  
*August 16, 2014*

## **Suggestions and ideas on rehoming a pet:**

### **Articles:**

#### **Humane Society of the United States:**

[http://www.humanesociety.org/animals/resources/tips/finding\\_responsible\\_pet\\_home.html](http://www.humanesociety.org/animals/resources/tips/finding_responsible_pet_home.html)

#### **ASPCA:**

<http://www.aspca.org/pet-care/virtual-pet-behaviorist/dog-behavior/re-homing-your-dog>

#### **Dogster:**

<http://www.dogster.com/lifestyle/dog-rescue-adoption-rehome-rehoming-tips>

#### **Best Friends Animal Society:**

[http://bestfriends.org/uploadedFiles/Content/Resources/Resources\\_for\\_Rescuers/Adoption/HowtoFindHomesforHomelessPets.pdf](http://bestfriends.org/uploadedFiles/Content/Resources/Resources_for_Rescuers/Adoption/HowtoFindHomesforHomelessPets.pdf)

#### **Cesar Millan:**

<http://www.cesarsway.com/dogrescue/adoptiontips/Rehoming-Your-Dog/Rescue-Series-Part2>

## **No-Kill Rescue Groups**

God's Little Creatures - Bryan (778-6976/587-2667)

Second Chance Veterinary Rescue - College Station (764-7387)

Brazos Feral Cat Allies - College Station (690-9530)

Bluebonnet Equine Humane Society - College Station (888-542-5162)

Garcia Rottie Rescue - College Station (575-8291)

Impact Animal Foundation - College Station (402-2511)

HOPE Animal Rescue - Hearne (280-0505)

Diamond AR Animal Rescue - Hearne (279-2777/412-1591)

True Blue Animal Rescue - Brenham (936-878-2349)

Cat's Cradle - Navasota (820-0599)

Zoi's Animal Rescue - Navasota (832-767-8572)

Little Woman Home For Animals - Huntsville (936-435-9820)

CJ's Animal Junction Farm & Sanctuary - Iola (936-394-1718)

Long Way Home Sanctuary ([mylongwayhome.org](http://mylongwayhome.org))

The Double D Canine Rescue (find them on Facebook)

"Google" Breed Specific Rescue Groups (e.g., Border Collie Rescue)

Council Meeting  
9/11/14

HEAR VISITORS

1. Johnny W. Rouse
2. Philomeina Rouse
3. Ben Roper

PUBLIC HEARING #1

NONE

PUBLIC HEARING #2

NONE

PUBLIC HEARING #3

NONE

PUBLIC HEARING #4

NONE

PUBLIC HEARING #5

1. Sherry Ellison